

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: SALE OF GOODS AND SERVICES	DOCKET NO. RMU-02-4
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ORDER ADOPTING AMENDMENT

(Issued April 12, 2002)

Pursuant to Iowa Code §§ 17A.4, 68B.2A, and 476.2 (2001), the Utilities Board (Board) on February 7, 2002, issued an order in Docket No. RMU-02-4, In re: Sales of Goods and Services, "Order Commencing Rule Making," to consider an amendment to 199 IAC 1.6(2). The "Notice of Intended Action" was published in IAB Vol. XXIV, No.18 (3/6/02) p. 1419, as ARC 1456B. The proposed amendment modified the language in the Board's rules to be consistent with 581 IAC 18.2(1) of the Department of Personnel rules.

The "Adopted and Filed" notice, which is attached to this order and incorporated herein by reference, contains an explanation of the procedural history of the current rule making and a discussion of the comments to the rule making adopted by the Board.

IT IS THEREFORE ORDERED:

1. A rule making identified as Docket No. RMU-02-4 is adopted.

2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin an "Adopted and Filed" notice in the form attached to and incorporated by reference in this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Sharon Mayer
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 12th day of April, 2002.

UTILITIES DIVISION [199]

Adopted and Filed

Pursuant to Iowa Code sections 17A.4, 68B.2A, and 476.2 (2001), the Utilities Board (Board) gives notice that on April 12, 2002, the Board issued an order in Docket No. RMU-02-4, In re: Sale of Goods and Services "Order Adopting Amendment." The amendment to 199 IAC 1.6(2) adopts the language in paragraph 581 IAC 18.2(1) to make the Board's rule consistent with rules of the Department of Personnel. Notice of Intended Action was published in IAB Vol. XXIV, No. 18 (3/6/02) p. 1419, as ARC 1456B.

Written comments in this rule making were to be filed on or before March 26, 2002. The Consumer Advocate Division of the Department of Justice and Interstate Power and Light Company (IP&L) filed comments stating they supported the proposed amendment. IP&L suggested that the Board consider defining "outside" in the phrase "outside employee activities."

The Board has considered IP&L's suggestion and reviewed the other parts of 581 IAC 18.2, from which the language in the amendment was copied. It seems clear from the additional provisions of rule 18.2 that the term "outside" means an employer-employee relationship with an entity or person other than the agency that employs the employee in question. An additional definition of the term does not appear to be necessary at this time.

The amendments are intended to implement Iowa Code sections 17A.4, 68B.4A, and 476.2.

The amendment will become effective June 5, 2002.

The following amendment is adopted.

Amend subrule **1.6(2)**, definition of "selling goods or services," as follows:

"Selling goods or services" ~~may include "employment by" or "employment on behalf of."~~ means the receipt of compensation by an employee for providing goods and services, except the selling of goods or services shall not apply to outside employment activities that constitute an employer-employee relationship.

April 12, 2002

/s/ Diane Munns

Diane Munns
Chairman